



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR

Introduction

There are applications filed by both parties. The Landlord has filed an application seeking an order of possession issued for unpaid rent. The Tenant has applied for an order cancelling the notice to end tenancy issued for unpaid rent.

Both parties attended the hearing by conference call and gave testimony. The Tenant has confirmed receiving the Landlord's notice of hearing package and the submitted documentary evidence. The Tenant has not submitted any documentary evidence. As both parties have attended and have confirmed receipt of the notice of hearing package and the submitted documentary evidence, I am satisfied that both parties have been properly served.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Tenant entitled to an order cancelling the notice to end tenancy?

Background and Evidence

Both parties agreed that the Landlord served the Tenant with a 10 day notice to end tenancy issued for unpaid rent dated December 2, 2013. The notice states that rent of \$850.00 was not paid that was due on October 1, 2013. The notice also states an effective end of tenancy date of December 11, 2013. The Landlord has provided a copy of a proof of service document that states that the Tenant was served with the 10 day notice dated December 2, 2013 by posting it on the rental unit door with a witness. The Landlord has also submitted a copy of a "support plant" which they state is a rental agreement. It states that rent of \$850.00 is due monthly and is signed by both the Landlord and the Tenant on June 22, 2008. The Tenant confirmed in her direct testimony that she has not paid rent due.

Analysis

I accept the undisputed testimony of the Landlord and find that the Tenant was properly served with the 10 day notice to end tenancy issued for unpaid rent dated December 2, 2013 by posting it to the rental unit door on December 2, 2013 with a witness. The Tenant is deemed to have been served in this fashion on December 5, 2013. The stated effective date of the notice of December 11, 2013 is corrected as per the Act to December 15, 2013. The Tenant confirmed in her direct testimony that the \$850.00 rent was not paid as per the notice. The Landlord has established grounds for unpaid rent. The Landlord is granted an order of possession. The Tenant must be served with the order of possession. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The Tenant's Application to cancel the notice to end tenancy issued for unpaid rent is dismissed.

Conclusion

The Landlord is granted an order of possession.
The Tenant's Application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: January 29, 2014

Residential Tenancy Branch

